

REMARKS

The Final Office Action dated April 14, 2003 has been reviewed, and the comments in the Final Office Action have been considered. Claims 1, 20, 24, 25, 42, 45-48, and 50 have been amended. Claims 55-61 have been withdrawn pursuant to a restriction requirement issued in an Office Action on August 27, 2002. Accordingly, claims 1-11, 14, 15, and 20-62 are pending.

Applicants have amended claims 1, 20, 24, 25, 42, 45-48, and 50 to expedite prosecution of the application, or in the alternative, to place the claims in better form for appeal.

In the Final Office Action issued on April 14, 2003, claims 1-11, 14, 15, 20-54, and 62 stand rejected under 35 U.S.C. § 103 as being unpatentable over Fischer in view of Tramm. Insofar as the rejection is applicable to the amended claims, applicants respectfully traverse the rejection of these claims because Fischer in view of Tramm fail to teach or suggest the claimed invention as a whole for at least two reasons.

(1) Each of the independent claims 1, 20, 24, 25, 42, 45-48, and 50 has been amended to recite a deflector configured with a body of a sidewall sprinkler so that when the sidewall fire sprinkler is paired with an identical sidewall fire sprinkler mounted approximately sixteen feet apart on a generally planar wall surface above a collection area of approximately sixteen feet between the sprinklers and sixteen feet away from one of the sprinklers, where the collection area is located at either one of a distance of about thirty-six inches and a distance of approximately six feet and 7.5 inches below each of the sidewall fire sprinklers so that water is delivered to the collection area at an average density of about 0.15 gallons per minute per square feet. Support for this amendment to the claims is provided in the originally filed application at, for example, pages 11-12, and Figures 12-14.

(2) The following features, specific to the respective independent claims 1, 20, 24, 25, 42, 45-48, and 50, are recited, but are not shown or described by Fischer in view of Tramm:

- (a) Each of claims 1, 20, 42, and 45 recites a sidewall sprinkler with a canopy portion that is coupled to the face portion at a first canopy end and extends generally along the axis away from the outlet towards a free end. The first canopy end is spaced at a first distance from the outlet, and the free end is spaced from the outlet at a second distance greater than the first distance;

- (b) Each of claims 24, 47, and 48 recites a face portion that consists of a single flow opening, and a canopy portion that is coupled to the face portion by only two support arms to define the single flow opening therebetween; and
- (c) Each of claims 25, 46, and 50 recites a deflector that has a canopy portion generally parallel to an axis of the sprinkler, which canopy portion has a surface distal to the outlet, and the distal surface consists of a flat surface generally perpendicular to a plane passing through an axis of a passageway of the sprinkler.

Applicants respectfully submit that, at least these features recited in the claims and identified above in paragraphs (1) and (2), are not shown or described by Fischer in view of Tramm.

Fischer fails to show or describe a sidewall sprinkler with a deflector with the features recited in paragraph (1). Specifically, Fischer fails to show or describe a deflector that transforms water over a collection area at an average density of about 0.15 gallons per minute per square feet. As stated by Fischer, water is delivered by the sprinkler 10 into a room at an “acceptable minimum density throughout an area sixteen feet wide and twenty four feet long.” *See* Fischer at column 3, lines 55-58, Fischer, however, fails to specify the acceptable minimum density. Furthermore, Fischer fails to show or describe that such sidewall sprinkler, when paired and mounted sixteen feet apart with an identical sidewall fire sprinkler on a generally planar wall surface above a collection area of approximately sixteen feet between the sprinklers and sixteen feet away from one of the sprinklers, where the collection area is located at either one of a distance of about thirty-six inches and a distance of approximately six feet and 7.5 inches below each of the sidewall fire sprinklers so that water is delivered to the collection area at an average density of about 0.15 gallons per minute per square feet, as noted in paragraph (1).

Nor does Tramm cure these deficiencies of Fischer such that Fischer in view of Tramm renders the claimed invention as a whole obvious. Tramm fails to specify the parameters of the coverage area and average density and fails to show or describe that such sprinkler, when paired and mounted approximately sixteen feet apart with an identical sidewall fire sprinkler on a generally planar wall surface above a collection area of approximately sixteen feet between the

sprinklers and sixteen feet away from one of the sprinklers, where the collection area is located at either one of a distance of about thirty-six inches and a distance of approximately six feet and 7.5 inches below each of the sidewall fire sprinklers so that water is delivered to the collection area at an average density of about 0.15 gallons per minute per square feet, as noted in paragraph (1). As noted in MPEP § 2143.03, a *prima facie* case of obviousness requires that "[a]ll claim limitations must be taught or suggested by the prior art." Fischer in view of Tramm, however, fails to show or describe all of the claimed features recited in paragraphs (1) and (2) above. Thus, the claims are allowable because all of the claimed features are not taught or suggested by Fischer in view of Tramm.

Claims 2-11, 14, 15, 21-23, 26-41, 43, 44, 49, and 51-62 depend from one of allowable claims 1, 20, 24, 25, 42, 45-48, and 50, and therefore are also allowable for at least this reason, as well as for reciting additional features.

Applicants respectfully request entry of this amendment because the amendment places the application in condition for allowance or in better form for appeal. Furthermore, no new claim has been added. Accordingly, applicants request entry of the amendment and prompt allowance of the application. If there are any questions regarding the application, the examiner is respectfully requested to contact the undersigned representative to expedite prosecution of the application.

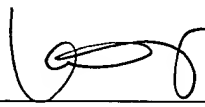
EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted

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